

Submitted to:

Maryland Senate Judicial Proceedings Committee

Annapolis, MD – March 8, 2023

Testimony from VS Strategies

Daniel Smith, Vice President

Support: Cannabis-Impaired Driving Test Pilot Program (SB 676)

Introduction

[VS Strategies](#) (“VSS”) is a policy and public affairs consulting firm specializing in cannabis policy. We are experts in cannabis policy whose clients include government bodies, trade associations, businesses, and other organizations seeking to shape public opinion and implement the most effective cannabis laws and regulations. For more than a decade, our team members have been changing minds and changing laws, rolling back prohibition policies, and advancing cannabis policy in a dynamic and responsible manner.

VS Strategies submits this statement in support of SB 676 as written.

Statement of Support

The issue of how to detect and prevent cannabis-impaired driving is one of the most pressing and difficult debates that states have when implementing adult-use cannabis. There are a variety of scientific reasons why blood, breath, and other biological tests are not apt to measure cannabis impairment. Actual cannabis impairment is based on a variety of factors like frequency, method, and amount. For example, consuming cannabis edibles will often cause delayed psychoactive effects beginning approximately thirty to sixty minutes after consumption. There is no consensus on what THC level results in actual impairment, so using biological samples to measure THC concentration is counter to providing objective ways to determine driver impairment.

Even states with mature cannabis markets are still attempting to tackle the issue. For example, Colorado passed [HB22-1321](#) titled “Study Of Devices Assessing Motorist Impairment,” in the 2022 legislative session which established a study to investigate devices that are capable of assessing cognitive and physical impairment of motorists. Other states have convened committees or task forces to look at solutions.

Thankfully, technology may finally be catching up to the problem in the form of tests that measure impairment, rather than just cannabis levels in a person’s body. SB 676 would allow local police departments who are interested in exploring how these new technologies could work in the field to utilize pilot programs to test them out. As part of the pilot program, the use of the technology would be voluntary and results would not be admissible in court. The results would be compared against the evaluations from Drug Recognition Experts and other currently used evaluations to show accuracy and benefits.

Some of these technologies are very impressive. One, created by Cognivue, an applied science company, adapts their FDA-cleared technology that detects cognitive decline and dementia to help local law enforcement objectively measure whether a driver is cognitively impaired. Their test is a self-administered, personalized, non-invasive tool to assess cognition in only five minutes. Their technology is the most promising we have seen thus far that would immensely help law enforcement keep our roads safe.

These new technologies that directly measure impairment rather than cannabis levels in drivers would also be applicable to other substances. It would solve a decade-old problem in having a unified test for impairment regardless of what drug is consumed by the driver, which will save the state time and money.

Overall, we are extremely supportive of SB 676 and believe that if Maryland develops a local pilot program to explore and study cannabis-impaired driving tests, they can make their roads safer for all drivers.